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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,647	10/23/2003	Hideaki Takahashi	D-1359DIV	9167

7590 05/20/2004

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EXAMINER

WOOD, KIMBERLY T

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,647

Applicant(s)

TAKAHASHI, HIDEAKI

Examiner

Kimberly T. Wood

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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This is the first office action for serial number 10/690,647, entitled Container Holder.

Oath/Declaration

The Declaration has been objected to because the title on the Declaration is Drawer Device which is not the title of the invention. The title of the invention is Container Holder. Correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10, 15, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Steiger et al. (Steiger) 6,230,948. Steiger discloses a main arm (1) having container receiving parts (2A), a holding member or sub arms (5), first driving means (10), sensing means (19 and 20) for contactlessly sensing (contactlessly means when the container is not in contact with the receiving part and holding means something occurs), control means (15), forcing means (column 3, lines 20ff).

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jankovic 5,601,269 in view Steiger et al. (Steiger) 6,230,948, as discussed above. Jankovic discloses a container holder (Figure 3) comprising a main arm (38, 36), a first driving means (52, 58, 64), trays (31, 33), adjusting members (30, 28), tray switch (66), second driving means (54). Jankovic discloses all of the limitations of the claimed invention except for the sub arms. It would have been obvious to one having ordinary skill in the art to have modified Jankovic to have included adjusting means and a driving means as taught by Jankovic for the purpose of gripping the container more securely within the container receiving parts and adjusting members.

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Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steiger 6,230,948 in view of Sudak 5,375,805. Steiger discloses all for the limitations of the claimed invention except for the photoelectric sensor or the ultrasonic sensor. Sudak teaches that it is known to have optical sensors which is known in the art to include conventional ultrasonic or photoelectric sensors. It would have been obvious to one having ordinary skill in the art to have modified Steiger to have included either a photoelectric or ultrasonic sensor since these various types of sensors are mechanical equivalents for sensing structures to allow a reaction to occur and would produce any unexpected results.

Claims 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steiger 6,230,948 in view of Jankovic 5,601,269. Steiger discloses all for the limitations of the claimed invention except for the second drive means, control means. It would have been obvious to one having ordinary skill in the art to have modified Steiger to have included the drive means and control means as taught by Jankovic to allow the main arm to be hidden beneath the seat and only extended when needed therefore allowing more space for the user.

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Allowable Subject Matter

Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

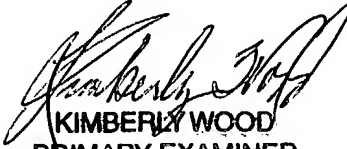
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art discloses conventional cup holders.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Wood whose telephone number is (703) 308-0539. The examiner can normally be reached on Monday-Thursday from 7:30 AM to 5:00 PM. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168. The fax number for an Official Amendment or Response is (703) 872-9306. The fax number for an Unofficial Amendment or Response is (703) 308-3686.

Kimberly Wood
Primary Examiner
May 17, 2004


KIMBERLY WOOD
PRIMARY EXAMINER